

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In Re

**FRANK EDWARD EATON and
ADELA VASQUEZ EATON,
Debtors.**

Case No. 15-12439 t

**DEBTOR'S RESPONSE TO TRUSTEE'S
MOTION TO DISMISS**

Debtors through their attorney of record, R. "Trey" Arvizu, III file this Response to Trustee's Motion to dismiss based on the following grounds:

1. On October 19, 2015, the Court entered an Order allowing the Debtors an extension to file their schedules, statements and plan until October 12, 2015 based on Debtors' Motion for Extension filed on September 28, 2015.
2. At the time of filing the Motion for Extension it was unknown to Debtors that October 12, 2015 was Columbus Day which is a federally recognized holiday.
3. When the Clerk's office is not accessible, Bankruptcy Rule 9006(a)(3) allows - "on the last day for filing...then the time for filing is extended to the first accessible day that is not a...legal holiday.
4. Debtors timely filed their schedules, statements and plan on October 13, 2015.

WHEREFORE, Debtor respectfully request that the Trustee's Motion to Dismiss be denied at this time.

Electronically filed
R. "Trey" Arvizu, III
Attorney for Debtors
PO Box 1479
Las Cruces, NM 88005
(575) 527-8600
(575)527-1199 fax

CERTIFICATE OF SERVICE

I CERTIFY that the foregoing was electronically filed with the Court via the CM/ECF system. All attorneys and parties identified with the Court for electronic service on the record in this case were served by electronic service in accordance with the CM/ECF system on this 10th day of November, 2015.

Electronically filed

R. "Trey" Arvizu, III